

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

Plaintiff,

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

CIVIL ACTION NO. 08-cv-3544 (WHP)

DECLARATION OF STEPHEN G. WARD

I, Stephen G. Ward, hereby declare as follows:

1. I am a New York State licensed private investigator and the owner of Trademark Associates of NY, Ltd. ("TANY"), located at 61 Broadway, 18th Floor, New York, New York 10006. I have owned TANY since 2002, and I have been a licensed private investigator for 15 years. I have overseen, conducted and/or participated in approximately 300-500 trademark investigations involving counterfeit and infringing goods. I am familiar with

investigations regarding counterfeit apparel, including t-shirts, and the New York City garment industry.

2. I was recently retained by Kenyon & Kenyon LLP to investigate Haryash Paul, the owner of Tip Top Tees, Inc. ("Tip Top Tees"), which is located at 10 West 28th Street, 2nd Floor, New York, New York 10001, to determine if Tip Top Tees imported, sold, offered to sell or was selling counterfeit COTTON HERITAGE t-shirts (the "Counterfeit Products").

3. I submit this declaration in support of Plaintiff's Reply Memorandum of Law in further support of Plaintiff's Motion for an Order to Show Cause for a Preliminary Injunction. The facts stated herein are based on my personal knowledge, review of public records, and/or facts told to me that I believe to be true. If called to testify regarding same, I could do so competently. I have personal knowledge of the investigation of the Counterfeit Products, Mr. Paul, Tip Top Tees and its related entities.

4. On April 17, 2008, Plaintiff's counsel and investigators, along with a New York City police officer, entered Tip Top Tees, Inc.'s location at 10 West 28th Street. The investigator gave the owner, identified as Haryash Paul, the Seizure Order, explaining that we believed that he was selling counterfeit COTTON HERITAGE t-shirts and were authorized by the Seizure Order to search the premises for such goods and any records related thereto.

5. Although Mr. Paul stated to the investigator and others present that he did not have any COTTON HERITAGE t-shirts, Plaintiff's counsel and the investigators located sixteen (16) boxes of counterfeit COTTON HERITAGE t-shirts, in white boxes displaying "ROSE DEAL COTTON-TEE U.S.A.," totaling 90 dozen t-shirts. The name COTTON

HERITAGE on the side of the box had been covered by a white sticker on each box. Mr. Paul stated in the presence of Plaintiff's counsel, the investigators and the police officer that he bought the shirts from Plaintiff, showing a receipt from Plaintiff dated 2006. Mr. Paul later changed his story, stating that he purchased the counterfeit COTTON HERITAGE t-shirts from Defendant Rose Deal, Inc. after Plaintiff allegedly rejected such shirts. I observed that the white boxes containing the counterfeit COTTON HERITAGE t-shirts were basically new and did not show much wear at all.

6. While at Tip Top Tees' 10 West 28th Street location, the NYPD officer informed me that a male individual, later identified as Ghashan Ahmad, who I observed sitting on the boxes later discovered to contain the counterfeit COTTON HERITAGE t-shirts, had a recent prior conviction for criminal counterfeiting activities. Through the course of my investigation of a database, which is available to licensed and vetted private investigators, I confirmed such criminal conviction on Mr. Ahmad's record.

7. During the seizure of counterfeit COTTON HERITAGE t-shirts at Tip Top Tees' 10 West 28th Street location, Mr. Ahmad had a key which he used to open back rooms of Tip Top Tees' showroom at 10 West 28th Street. Mr. Ahmad opened these back rooms while Mr. Paul observed. While I was in these back rooms, I saw a significant amount of "COACH" branded bags, "DOLCE AND GABBANA" branded jeans, and "G-UNIT" branded shirts. A true and correct of a screenshot from a videotape of the seizure executed at 10 West 28th Street on April 17, 2008 showing such "G-UNIT" branded shirts is attached hereto as Exhibit 1.

8. Based on my experience, information and belief, the "COACH", "DOLCE AND GABBANA", and "G-UNIT" branded goods secreted in the back rooms are counterfeit goods. True and correct copies of Tip Top Tees' invoices evidencing sales of "G-UNIT" branded shirts to Tip Top Tees' customers are attached hereto as Exhibit 2.

9. Based on the forensic examination of the hard drive seized from Mr. Paul on April 17, 2008, which contained password-protected files and applications and therefore was time consuming to copy the files therein, I located an Excel file that detailed the inventory of t-shirts Mr. Paul stored at Rose Deal, Inc.'s warehouse at 40 West 29th Street. This file was last modified at 11:15 a.m. on April 17, 2008, nearly moments before the execution of the seizure order at Mr. Paul's offices at 10 West 28th Street and 1220 Broadway. A true and correct print-out of the files copied from Mr. Paul's hard drive is attached hereto as Exhibit 3.

10. Based on an Excel file entitled "40 W 29TH ST WAREHOUSE", last modified at 11:15 a.m. on April 17, 2008, it appears that over 1182 dozen white short sleeve t-shirts were stored at Rose Deal, Inc.'s 40 West 29th Street warehouse. A true and correct copy of this Excel file is attached hereto as Exhibit 4.

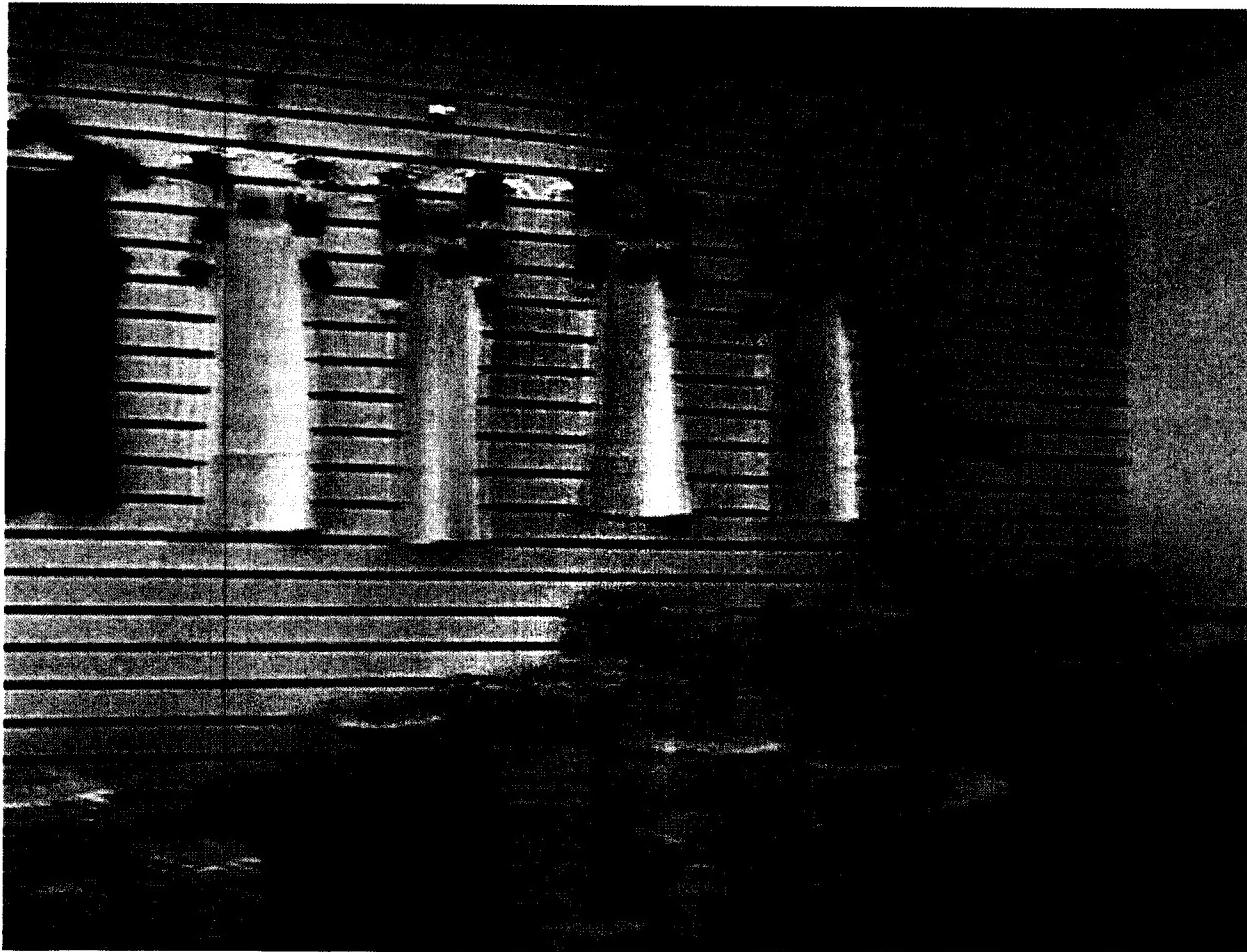
I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 30th day of April.



Stephen G. Ward

EXHIBIT 1



Screen capture: 00:51

EXHIBIT 2



TIP TOP TEES, INC.

Importer Exporter and Distributors
of All Kind of T-Shirts White & Colors
Custom Printing also

1224

10 West 28th Street, 2nd Floor, New York, N.Y. 10001
Tel: (212) 684-2080 . Fax: (212) 684-2180
Cell: (917) 417-4822 / (917) 682-4160
1220 Broadway, Suite # 402, New York, N.Y. 10001

CUSTOMER'S ORDER NO.	PHONE	DATE	
NAME		4/10/08	
ADDRESS			
URBAN STYLE			
37-21 North Broadway			
KNOXVILLE TENNESSE 37917			
QTY.	DESCRIPTION	PRICE	AMOUNT
34 M	white	20	680- ⁰⁰
17 D2	Black	22	374- ⁰⁰
26 M2	Color	23	598- ⁰⁰
6 D2	G-UNIT	24	144- ⁰⁰
10 D2	Socks	4	40- ⁰⁰
4 D2	Boxer	12	48- ⁰⁰
2 D2	white Beeter	14	28- ⁰⁰
		TAX	
RECEIVED BY		TOTAL	1912- ⁰⁰

All claims and returned goods
MUST be accompanied by this bill.

Thank You

TIP TOP TEES INC.

Importer Exporter and Distributors
of All kind of T- Shirts White & Colors

Custom Printing also

10 West 28th Street, 2nd Floor, New York, N.Y. 10001

Tel: (212) 684-2080 . Fax: (212) 684-2180

Cell: (917) 417-4822 / (917) 682-4160

1220 Broadway, Suite # 402, New York, N.Y. 10001

1209



CUSTOMER'S ORDER NO.		PHONE	DATE
NAME <i>Mo</i>		<i>3/17/08</i>	
ADDRESS <i>South Beach Indiana</i>			
SOLD BY	CASH	C.O.D.	CHARGE
NON-ACT.			MISSING
Paid Out			
QTY.	DESCRIPTION	PRICE	AMOUNT
4 Doz	Color Tops	24	96 - <i>00</i>
6 Pcs	4-Unit Tops	30	180 - <i>00</i>
	Shipping →		30 - <i>00</i>
		TAX	
RECEIVED BY		TOTAL <i>141 - 00</i>	

All claims and returned goods
MUST be accompanied by this bill.

Thank You



Tip Top T-Shirts Inc.

Importer Exporter and Distributors
of All kind of T-Shirts White & Colors

1217

Custom Printing also

10 West 28th Street, 2nd Floor, New York, N.Y. 10001

Tel: (212) 684-2080 . Fax: (212) 684-2180

Cell: (917) 417-4822 / (917) 682-4160

1220 Broadway, Suite # 402, New York, N.Y. 10001

CUSTOMER'S ORDER NO.		PHONE	DATE
NAME <i>Ronald</i>		4/2/08	
ADDRESS <i>Buffalo</i>			
QTY.	DESCRIPTION	PRICE	AMOUNT
6 DZ	White	19	114- 00
2 DZ	Black	23	44- 00
8 DZ	Color	25	184- 00
20 DZ	Socks	45	80- 00
4 DZ	A-SHIRT	15	60- 00
5 DZ	Boxee	12	60- 00
7 DZ	G-UNIT	24	168- 00
		TAX	
RECEIVED BY		TOTAL 710- 00	

All claims and returned goods
MUST be accompanied by this bill.

Thank You

EXHIBIT 3

The screenshot shows a Windows file explorer window titled "Y:\Recovered on Disk\My Documents". The address bar also displays "Y:\Recovered on Disk\My Documents". The left sidebar includes "File and Folder Tasks" (Make a new folder, Publish this folder to the Web), "Other Places" (Recovered on Disk, My Documents), and "Details" (grid view). The main area lists files under the heading "Files Currently on the CD".

Name	Type	Date Modified	Location
Files Currently on the CD			
ccWin10	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Cover User Files	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
glamour line	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Harysh's Music	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Harysh's Pictures	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
My eBooks	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
QPPrv	File Folder	4/23/2008 4:16 PM	Files Currently on the CD
1.doc	20 KB Microsoft Word Doc...	4/9/2008 9:26 AM	Files Currently on the CD
02.doc	24 KB Microsoft Word Doc...	2/20/2008 1:50 PM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xls	23 KB Microsoft Excel Wor...	4/17/2008 11:15 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xls	23 KB TMP File	4/17/2008 9:19 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xls	23 KB TMP File	4/17/2008 11:14 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xls	23 KB TMP File	4/15/2008 2:28 PM	Files Currently on the CD
40W 29TH.xls	15 KB Microsoft Excel Wor...	3/3/2008 12:38 PM	Files Currently on the CD
1220 BROADWAY SUITE 402.xls	16 KB Microsoft Excel Wor...	3/3/2008 11:34 AM	Files Currently on the CD
01012948.dot	35 KB Microsoft Word Tem...	9/29/2006 3:35 PM	Files Currently on the CD
BABULAL.txt	1 KB Text Document	3/28/2008 5:52 PM	Files Currently on the CD
Book1.xls	15 KB Microsoft Excel Wor...	3/3/2008 12:38 PM	Files Currently on the CD
desktop.ini	1 KB Configuration Settings	1/28/2008 9:19 PM	Files Currently on the CD
FROM.doc	24 KB Microsoft Word Doc...	3/24/2008 2:01 PM	Files Currently on the CD
holidays.doc	24 KB Microsoft Word Doc...	4/2/2008 3:42 PM	Files Currently on the CD
JITANU SERVICES INC.doc	24 KB Microsoft Word Doc...	3/18/2008 4:19 PM	Files Currently on the CD
spider.csv	1 KB CSV File	2/8/2008 11:05 AM	Files Currently on the CD
TIP TOP TEES WAREHOUSE.xls	16 KB Microsoft Excel Wor...	4/5/2008 7:14 PM	Files Currently on the CD

EXHIBIT 4

	MEDIUM	LARGE	X-LARGE	2X-LARGE	3X-LARGE	4X-LARGE	5X-LARGE	6X-LARGE	TOTAL
RED	0	0	0	0	0	0	0	0	0
B-BLUE	0	0	0	0	0	18	0	0	30
BLACK	0	0	60	162	60	378	0	318	978
ROYAL	0	0	0	0	0	42	0	24	66
KHAKI	0	0	0	24	24	24	0	6	78
K-GREEN	0	0	0	0	0	0	0	0	0
CHOCOLA	0	0	66	0	0	24	30	30	150
DAISY	0	30	6	42	42	60	0	0	180
FORSEST	0	0	72	54	48	60	24	6	264
ORANGE	0	0	0	0	0	0	0	0	0

	MEDIUM	LARGE	X-LARGE	2X-LARGE	3X-LARGE	TOTAL
G-VEAT	MIXSIZE					48
WHITE	WHITE					440
WHITE	RED/GR					136
WHITE	R-BLUE					104
WHITE	YELLOW					264
CORILLA						208
BLACK	RE/WH					168
WHITE	BL/RE					328
						1648

	7BOX	MIXSIZE	MIXCOLOR EACH	TOTAL
SHORT SLEEVE T-SHIRT				0
MIXSIZE				0
107DZ				0

	LADY'S DRESS	TOTAL	TOTAL	TOTAL	TOTAL
WHITE	8BOX	EACH	4DZ	TOTAL	32DZ
BLACK	8BOX	EACH	4DZ	TOTAL	32DZ
N-BLUE		0 EACH	0	0 TOTAL	0

MIXCOLOR

0

SHORT SLEEVE T-SHIRT

	2X-LARGE	3X-LARGE	4X-LARGE	5X-LARGE	6X-LARGE	
HOT PINK	63	0	21			84
LIGHT PIN	7					63
LIGHT BLUE						7

SHORT SLEEVE T-SHIRT WHITE

	SMALL	MEDUIM	LARGE	XL-LAGE	2X-LARGE	3X-LARGE	4X-LARGE	5X-LARGE	6X-LARGE	TOTAL
WHITE	56	48	8	40	174	630	114	180	84	1182